GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:756
ANSWERED ON:23.11.2000
INTERPRETATION OF LIFE SENTENCE
PRAHLAD SINGH PATEL

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a): Whether a Bench of Supreme Court has given new interpretation of life sentence:

(b): If so, the details thereof;

(c): Whether the Government have taken any decision in this regard; and

(d): If so, the details thereof ?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) & (b): The Supreme Court in Laxman Naskar etc. Vs. UOI reported in JT 2000 (2) SC 48 has held that `life sentence is nothing less than life-long imprisonment and by earning remissions a life convict does not acquire a right to be released prematurely: but if the Government has framed any rule or made a scheme for early release of such convicts then those rules or schemes will have to be treated as guide-lines for exercising its power under Art. 161 of the Constitution and if according to the Government policy/instructions in force at the relevant time the life convict has already undergone the sentence for the period mentioned in the policy/instructions, then the only right which a life convict can be said to have acquired is the right to have his case put up by the prison authorities in time before the authorities concerned for considering exercise of power under Art. 161 of the Constitution. When an authority is called upon to exercise its powers under Art. 161 of the Constitution that will have to be done consistently with the legal position and government policy/instructions prevalent at that time`;

(c): No, Sir;

(d): Does not arise.